

REMARKS

Claims 1-123 were originally filed in the present application. The Examiner has restricted claims 1-123 into the following Groups:

- Group I. Claims 23-29, 31-36, 44-45, and 113-123, drawn to nucleic acid sequences containing SNPs, vectors and host cells comprising such, classified in class 536, subclass 23.1, class 435, subclass 325, and class 435, subclass 325, respectively.
- Group II. Claim 30, drawn to polypeptides, classified in class 530, subclass 350;
- Group III. Claims 1-22, 37-41, and 76-110, drawn to methods of identifying individuals having a polymorphisms using nucleic acid based assays, classified in class 435, subclass 6;
- Group IV. Claims 46-75, drawn to methods for determining side effect or effectiveness of drugs, classified in class 435, subclass 6.
- Group V. Claims 111-112, drawn to methods for generating assay data sets and the data sets generated by the method, classified in class 435, subclass 6.

Applicants note that the Examiner has not grouped composition Claims 42-43 due to uncertainty regarding the appropriate grouping. (Restriction Requirement, page 2).


To further business interests, Applicants have elected the Claims in Group III, *i.e.*, Claims 1-22, 37-41, and 76-110, without traverse. Claims 23-36, 42-75, and 111-123 are canceled herein without prejudice in view of the present restriction requirement. Applicants reserve the right to prosecute these claims in one or more Divisional Applications. The Examiner's uncertainty regarding the grouping of Claims 42-43 is rendered moot by the cancellation of these claims.

Applicants note that the Examiner has further restricted the claims to groupings of SEQ ID NOs directed to individual genes, and has invited applicants to select 5 specific SEQ ID NOs directed to the same gene. Applicants note that the Examiner has indicated that this is not an election of species. (Restriction Requirement, page 5). To further business interests, Applicants elect to prosecute claims directed to the SEQ ID

NOs: 7063, 7064, 7071, 7073, and 7074. These SEQ ID NOs are all directed to SNP-containing segments of the CYP1B1 gene and the 5' flanking region of that gene. Claims 1, 37, 76, 98, and 109 have been amended to recite SEQ ID NOs: 7063, 7064, 7071, 7073, and 7074. Applicants make these amendments without prejudice, reserving the right to prosecute the original or similar claims in the future.

Claims 1-22, 37-41, and 76-110 are pending and under examination following entry of Applicants' response to the outstanding Restriction Requirement and Claim amendments. If a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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